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134-53

August 10, 1953

George F. Nelson, Esq.,
Assistant Attorney General

Attorney General,
Concord

Compensation for fire-fighting

William H. Messeck, Jr.,
State Forester

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CONCORD, N.H.

Dear Mr. Messeck:

In reply to your communication of today concerning compensation of persons employed in fighting forest fires and whether or not payment can be made under the provisions of Laws of 1953, c. 111, s. 2, I advise as follows:

Persons employed in fighting forest fires under the direction of state forest fire wardens and deputy wardens are state employees while so employed. (R.L., c. 233, ss. 20 and 22, as amended by Laws of 1949, c. 244, s. 4).

In view of the fact that by virtue of Laws of 1949, c. 93, amending s. 24 of said c. 233, expenses incurred in excess of one-half of one per cent of the latest equalized locally assessed valuation of municipalities are required to be paid by the state, it is obviously a serious problem to the communities within which fires occur to finance the immediate payment of bills incurred.

It is my opinion that a bill filed in accordance with s. 27, c. 233, which has been certified by the State Forester, may be paid from working capital in the first instance under the provisions of Laws of 1953, c. 111, s. 2, provided such disbursement is finally charged against the appropriation made for that purpose as supplemented by transfer from emergency funds and the unexpended balance of the salary adjustment fund from the last biennium.

Very truly yours,

George F. Nelson
Assistant Attorney General

GTW:HP